

**REMARKS**

Claims 5-8, 10, 12, 16 and 17 are currently pending in the application. Only claims 16 and 17 are in independent form.

The Office Action states that the declaration filed February 16, 2001 is defective. Accordingly, a new signed declaration is attached hereto. Reconsideration of the rejection is respectfully requested.

The Office Action states that the disclosure is objected to because of the following informalities. The Office Action states that the figures should include feature designating numbers referenced in the specification. Accordingly, in order to further prosecution, the numbers have been placed on both the figures and in the specification. Reconsideration of the objection is respectfully requested.

The Office Action states that the specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Office Action states that proper antecedent basis for the new terminology as set forth in claims 5-8, 10, 12, 16 and 17 could not be found on the specification. However, the term "mat" is set forth in the specification, namely in the title. Additionally, the term "cartridge top" is first set forth on Page 6, the bottom line and is then used throughout the specification for

d

indicating the top portion of the mat. Further, the "moisture absorbance means" is set forth in the specification on Page 7, first full paragraph wherein the specification recites "the absorbent core." The barrier means is set forth in the same paragraph wherein "the core is sealed with a moisture barrier." The base unit is first set forth on Page 6, second full paragraph beginning "the base unit is secured" and is repeated throughout the specification. Accordingly, there is support for the terminology used in the claims and reconsideration of the rejection is respectfully requested.

Claims 12, 13 and 17 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

With regard to claim 12, the Office Action states that no reference could be found in the original specification concerning a "sealed, disposable sealed system." Accordingly, in order to further prosecution, the claim was amended to specifically recite that the cartridge top is a single disposable sealed system. This is specifically set forth on Page 7, first full paragraph, wherein it states that "the core is sealed with a moisture barrier to prevent leakage of the liquid into the base unit. It is sonic-welded to the cartridge-top, fixed with adhesives, or attached in some similar fashion."

C

Accordingly, this is a single item. On Page 8, under Operation, it is disclosed that "in the preferred embodiment, the cartridge-top is changed on a scheduled basis" thus, indicating that it is disposable. Accordingly, there is sufficient support in the specification for the phrase "disposable sealed system" as set forth in claim 12. Reconsideration of the rejection is respectfully requested.

With regard to claim 13, the Office Action states that no reference could be found in the original specification concerning the system being "recyclable." Accordingly, in order to further prosecution, claim 13 has been cancelled without prejudice, thereby rendering the present rejection moot. Reconsideration of the rejection is respectfully requested.

With regard to claim 17, the Office Action states that no reference could be found in the original specification concerning a "rigid" cartridge top. However, on Page 6-7 at the bottom under the Description title, the specification states that the cartridge top is made of polypropylene, polyethylene, vinyl, nylon, or rubber or any other material that can be molded or injection-molded in this fashion. It has a thickness of .5 mm to 1.5 mm. It is based upon these characteristics of the cartridge top that it is determined that the cartridge top is rigid in that one of skill in the art would recognize that these items would not be found in any form other than a rigid form which is molded into a single configuration. Accordingly, reconsideration of the

(C)

rejection is respectfully requested.

Claim 17 stands rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. However, claim 17 has been substantially amended with the present amendment and accordingly, renders the present rejection moot. Reconsideration of the rejection is respectfully requested.

Claims 5-8, 10, 12, 16 and 17 stand rejected under 35 U.S.C. Section 102(b) as being anticipated by the Rockett et al reference. Reconsideration of the rejection under 35 U.S.C. § 102(b), as anticipated by the Rockett et al patent, as applied to the claims is respectfully requested. Anticipation has always been held to require absolute identity in structure between the claimed structure and a structure disclosed in a single reference.

The Office Action states that the Rockett et al reference discloses a floor protection system including a cartridge top and absorbent core including a moisture barrier. However, when read more specifically, the Rockett et al reference is a floor mat which is walked upon for the absorbance of dirty liquids and other contaminants. This is in contradistinction with the claimed invention which is placed beneath things and is not designed to be stood upon, but

C

instead is intended to be used as a moisture absorbance device. The present invention is made up of a variety of parts including a cartridge unit having a moisture absorbing means, a rigid cartridge top disposed over the absorbing means and a barrier means disposed beneath and connected to the absorbing means. This cartridge is then placed in mating engagement with a base unit. The mat of the present invention includes a base unit which has a rim portion which is placed in mating engagement with a rigid portion of the cartridge unit. This rigid edge portion is placed over the rim portion and the two are held in mating engagement and held fixably in place. These devices are not disclosed by the Rockett et al reference. In the Rockett et al reference, a cartridge unit is placed or glued to a base unit, there is no mating engagement. Additionally, the Rockett et al reference includes a woven top surface which is used to clean one's feet as they can pass across the surface. In contradistinction, the top surface of the present invention is rigid and instead includes holes which are used to funnel liquid from the top to the moisture absorbance device within the cartridge top. Accordingly, the Rockett et al reference does not disclose the elements of the mat of the presently pending independent claims and reconsideration of the rejection is respectfully requested.

The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above, the prior art references do not

C

disclose the characterizing features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

In view of the present amendment and foregoing remarks, reconsideration of the rejections and advancement of the case to issue are respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No.

11-1449.

Respectfully submitted,

KOHN & ASSOCIATES

  
Amy E. Rinaldo  
Registration No. 45,791  
30500 Northwestern Hwy  
Suite 410  
Farmington Hills, MI 48334  
(810) 539-5050

Date: May 1, 2001

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail/Post Office to Addressee" addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on May 1, 2001.

  
Connie Herty



**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

12. (Twice Amended) The mat of claim 17, wherein said [surface protection system] cartridge top is a single, disposable sealed system.

16. (Twice Amended) A method of protecting a restroom surface from spillage of urine by placing said [surface protection system] mat of claim 17 on the surface in need of protection.

17. (Amended) A urinal or commode mat for protecting a restroom surface from spillage of liquids, said mat comprising:

a cartridge unit including [comprising]

(a) moisture absorbing means for absorbing and retaining liquid[;]

(b) a rigid cartridge top disposed over and connected to said moisture absorbing means for collecting and draining liquid onto said moisture absorbing means;

(c) barrier means disposed beneath and connected to said moisture absorbing means for preventing moisture escape from said moisture absorbing means[;] and

a base unit having a rim portion, [operatively connected to] said cartridge top of said cartridge unit including a rigid edge portion for containing

C

and engaging said rim portion to maintain said cartridge unit within said base unit. [and containing said cartridge unit.]

C